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RETAIL DECISIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CYBERSOURCE CORPORATION,

Plaintiff,

v.

RETAIL DECISIONS, INC.,

Defendant.

Case No. C 04 03268 MHP

**STIPULATION AND ~~(PROPOSED)~~
ORDER RE: BRIEFING AND
HEARING SCHEDULE**

*** AS AMENDED BY COURT**

1 Pursuant to Civil L.R. 6-2, Plaintiff CyberSource Corporation ("CyberSource") and
2 Defendant Retail Decisions, Inc. ("ReD") hereby stipulate to the following briefing schedule.

3 Whereas, on July 3, 2008, the parties submitted a Joint Case Management Statement,
4 which scheduled ReD's Preliminary Invalidity Contentions (PLR 3-3) and ReD's Production of
5 Documents Accompanying Preliminary Invalidity Contentions (PLR 3-4) for September 11,
6 2008, and scheduled the Exchange of Proposed Terms and Claim Elements for Construction
7 (PLR 4-1) for September 25, 2008;

9 Whereas, on July 15, 2008, after a Case Management Conference, the Court adopted an
10 amended Joint Case Management Order that modified the date for ReD's Preliminary Invalidity
11 Contentions (PLR 3-3) and ReD's Production of Documents Accompanying Preliminary
12 Invalidity Contentions (PLR 3-4) to September 18, 2008, and modified the date for the
13 Exchange of Proposed Terms and Claim Elements for Construction (PLR 4-1) to October 1,
14 2008;

16 Whereas, the parties, acting through their counsel, have conferred in good faith and
17 agreed to extend the date for submitting ReD's Preliminary Invalidity Contentions (PLR 3-3)
18 and ReD's Production of Documents Accompanying Preliminary Invalidity Contentions (PLR
19 3-4) to October 2, 2008, to afford ReD's new co-counsel reasonable opportunity to review
20 CyberSource's Preliminary Infringement Contentions; and

22 Whereas, in the interests of efficiency and orderly case management, the parties wish to
23 agree on the briefing and hearing schedule for other case deadlines as well (as set forth below).

THEREFORE, IT IS STIPULATED:

1. ReD will file its Preliminary Invalidity Contentions (PLR 3-3) and Production of Documents Accompanying Preliminary Invalidity Contentions (PLR 3-4) by Thursday, October 2, 2008

2. The other case deadlines are also modified in accordance with the proposed Docket Control Deadlines as follows.

Event	Date
CyberSource's Disclosure of Asserted Claims & Preliminary Infringement Contentions (Per CMC 7/14/08; see also PLR 3-1).	7/28/08 8/21/08
CyberSource's Production of Documents Accompanying Preliminary Infringement Contentions (Per CMC 7/14/08; see also PLR 3-2)	7/28/08 8/21/08
ReD's Preliminary Invalidity Contentions (Per CMC 7/14/08; see also PLR 3-3)	9/11/08 9/18/08 10/2/08
ReD's Production of Documents Accompanying Preliminary Invalidity Contentions (Per CMC 7/14/08; see also PLR 3-4)	9/11/08 9/18/08 10/2/08
Exchange of Proposed Terms and Claim Elements for Construction (Per CMC 7/14/08; see also PLR 4-1)	9/25/08 10/1/08 11/3/08
Meet and confer to finalize list of terms needing construction. (Patent L.R. 4-1(b))	11/3/08-12/12/08
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (PLR 4-2)	10/15/08 11/17/08
Preliminary Identification of Extrinsic Evidence, including testimony of percipient and expert witnesses (PLR 4-2(b))	10/15/08 11/17/08
Meet and confer to finalize joint claim construction statement. (PLR 4-2(c))	11/17/08-12/12/08
Joint Claim Construction and Prehearing Statement (PLR 4-3)	11/10/08 12/12/08
Deadline to complete claim construction discovery, including depositions relating to claim construction (PLR 4-4)	12/10/08 1/16/09
CyberSource's Opening Claim Construction Brief (PLR 4-5(a))	1/2/09 1/30/09
ReD's Responsive Claim Construction Brief (PLR 4-5(b))	1/16/09 2/13/09
CyberSource's Reply Claim Construction Brief (PLR 4-5(c))	1/28/09 2/20/09
Claim Construction Hearing (subject to the Court's convenience) (PLR 4-6)	2/11/09 3/6/09
Claim construction ruling by Court.	[not set]
CyberSource's Final Infringement Contentions (PLR 3-	Claim Construction Ruling + 30

6(a))	days
ReD's Final Invalidity Contentions (PLR 3-6(b))	Claim Construction Ruling + 50 days
ReD's Opinion and Document Production Regarding Opinion of Counsel Defense to Willfulness Claim (PLR 3-8)	Claim Construction Ruling + 50 days
Fact Discovery Cut-Off (i.e., date by which written discovery responses are due and by which depositions must be completed)	4/30/09 6/8/09
Parties to Serve Expert Reports for Which They Bear the Burden of Proof	5/21/09 6/29/09
Rebuttal Expert Reports	6/11/09 7/24/09
Expert Discovery Cut-Off	6/25/09 8/7/09
Last Day to File Dispositive Motions	7/16/09 8/28/09
Parties to Serve Motions in Limine	9/3/09 11/17/09
Parties to serve oppositions to motions in limine	9/14/09 12/08/09
Pretrial Conference	10/15/09 12/17/09 @ 2:30 pm
Trial	10/26/09 1/18/09 @ 8:30 am

1/19/2010 @ 8:30 AM

Dated: September 17, 2008

ROPES & GRAY LLP

By: //s/ Mark Rowland

Mark Rowland

Attorneys for Defendant
RETAIL DECISIONS, INC.

Dated: September 17, 2008

MORRISON & FOERSTER LLP

By: //s/ Marc J. Pernick

Marc J. Pernick

Attorneys for Plaintiff
CYBERSOURCE CORPORATION

1 I, MARK ROWLAND, am the ECF User whose ID and password are being used to file
2 this STIPULATION AND [PROPOSED] ORDER RE: BRIEFING AND HEARING
3 SCHEDULE. In compliance with General Order 45, X.B., I hereby attest that Marc Pernick has
4 concurred in this filing.
5

6 Dated: September 17, 2008

ROPES & GRAY LLP

8 By: //s/ Mark Rowland

9 Mark Rowland

10 Attorneys for Defendant
11 RETAIL DECISIONS, INC.
12
13

14 ORDER

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17
18 DATED: 9/19/2008

